

In the Supreme Court of the State of Alaska

CHENA OBSTETRICS & GYNECOLOGY
and DALE HARDY, CNM,

Petitioners,

v.

LAUREN BRIDGES, on behalf of S.B., her
minor child; and BANNER MEDICAL
GROUP d/b/a FAIRBANKS MEMORIAL
HOSPITAL and TANANA VALLEY
CLINIC,

Respondents.

BANNER MEDICAL GROUP d/b/a
FAIRBANKS MEMORIAL HOSPITAL
and TANANA VALLEY CLINIC,

Petitioner,

v.

LAUREN BRIDGES, on behalf of S.B.,
her minor child; CHENA OBSTETRICS &
GYNECOLOGY, and DALE HARDY, CNM,

Respondents.

Superior Court No. 4FA-17-01308 CI

Supreme Court No. S-17464

Order

From Justice Winfree
Regarding Objections to His
Participation in this Matter

Date of Order: May 28, 2019

Supreme Court No. S-17464

As the parties no doubt are aware, the facility known as Fairbanks Memorial Hospital has long been owned by The Greater Fairbanks Community Hospital Foundation, Incorporated, a non-profit entity. For decades The Hospital Foundation leased the facility to a non-profit hospital operator who, through mergers and name changes, became Banner

Health. Without detailing specifics, throughout those decades there was a close working relationship between The Hospital Foundation and the hospital operator.

Beginning in the early 1990s I became The Hospital Foundation's outside counsel — there was no inside counsel — and I worked with The Hospital Foundation in that capacity for about 15 years. In March of 2006 I became the Executive Director & General Counsel for The Hospital Foundation, closing my law practice. I stayed in that position until after my November 2007 appointment to the Alaska Supreme Court. Although I was involved in The Hospital Foundation's early negotiations to purchase the Tanana Valley Clinic facility and maintain it as a medical clinic managed by a Banner Health entity, I was no longer involved when the transaction closed. I do not recall any dealings with Banner Medical Group, although perhaps some of its representatives were a part of the dealings.

During my many years with The Hospital Foundation my wife and I made significant financial contributions during fund-raising campaigns, such as for the Denali Center and the Fairbanks Cancer Treatment Center. My wife and I are Lifetime Members of The Hospital Foundation. I count current staff members and many of the Board of Trustees of The Hospital Foundation as long-time friends (and some are former clients). In short, my relationship with The Hospital Foundation likely would preclude me from sitting on a case directly affecting its interests.

During my many years with The Hospital Foundation I also had considerable dealings with Banner Health. Those dealings were both adversarial and collaborative, often at the same time. But I did not represent Banner Health and did not have the same kind of relationship with Banner Health that I had with The Hospital Foundation. And because my last day with the Hospital Foundation was December 31, 2007, it seems unlikely that anything I worked on could have anything to do with the present case as it relates to Banner

Medical Group. I am generally aware that the Banner Health entities ceased being the hospital and clinic operators at the end of 2016 and, based on public comments by The Hospital Foundation's representatives, that this situation arose from a sense of diverging interests. I have not spoken to The Hospital Foundation's staff or any member of the Board of Trustees about the specifics of this situation.

I believe I can be fair and impartial to the parties in this case. I do not believe I know Lauren Bridges. I do not believe I know the shareholders of Chena Obstetrics and Gynecology, P.C. or Dale Hardy. Nothing about my work with The Hospital Foundation or my understanding of The Hospital Foundation's relationship with Banner Health gives rise to any personal bias for or against Banner Medical Group. And this case's outcome does not appear to me to have any direct impact on The Hospital Foundation. I therefore intend to participate in these matters.

On the other hand, it is not implausible that a party could be concerned about my long history with The Hospital Foundation having some impact on my impartiality in this case, or that this case could have a direct financial impact on The Hospital Foundation. Accordingly, counsel for Banner Medical Group shall, by letter to the Clerk of the Appellate Courts, advise me whether The Hospital Foundation (or a subsidiary) has a direct financial interest in this lawsuit's resolution; this letter shall be due by **June 7, 2019**. And any party opposed to my participation in this matter may file an objection setting out the specific facts, reasons, and authorities relied on for the ground(s) urged for recusal, and I will consider that objection. Any such objection is due by **June 7, 2019**.

ENTERED at the direction of Justice Winfree.

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Clerk of the Appellate Courts



Beth A. Pechota, Deputy Clerk

cc: Supreme Court Justices
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